

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE ESCOBEDO,

Plaintiff,

v.

NICOLE SOLANO DBA CHALIO'S
FRESNO, et al.,

Defendants.

Case No. 1:24-cv-00373-KES-SKO

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Docs. 20, 22

On April 1, 2024, Plaintiff Jose Escobedo initiated this action against defendants Nicole Solano, doing business as Chalio's Fresno, and David C. Yang and Susie U. Yang, Trustees of the David C. Yang and Susie U. Yang AB Living Trust, alleging violations of the Americans with Disabilities Act, Unruh Act, and Denial of Full and Equal Access to Public Facilities under California's Health and Safety Code. Doc. 1. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 9, 2024, the parties entered into a settlement agreement, requiring defendants to make specific physical modifications to Chalio's Fresno and to make a one-time payment of \$14,401.80 by wire transfer by August 5, 2024.¹ See Doc. 20-2 ¶¶ 2–3; Doc. 20-3 ¶ 2.1. The settlement agreement also provided for a \$50 late fee if payment was not received within five days

¹ The settlement due date pre-dated the defendants' signing of the settlement agreement by four days.

1 of the August 5, 2024 due date. Doc. 20-3 ¶ 2.1. On December 5, 2024, following plaintiff's
2 multiple attempts of outreach by email, plaintiff moved for: (1) enforcement of the settlement
3 agreement, (2) an order from the Court instructing defendants to pay \$14,451.08 (the amount owed
4 plus the late fee) to plaintiff pursuant to the terms of the settlement agreement, (3) an award of
5 attorney's fees for the time spent enforcing the settlement agreement, and (4) leave to submit a draft
6 form of judgment within fourteen days of the Court's Order on this matter. Doc. 20.

7 On January 8, 2025, the assigned magistrate judge issued findings and recommendations
8 recommending that plaintiff's motion for enforcement of the settlement agreement and attorney's
9 fees be granted in part. Doc. 22. The findings and recommendations provided that any objections
10 thereto were to be filed within fourteen (14) days. *Id.* at 5. Defendants did not file objections and
11 the time to do so has passed.

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de
13 novo review of the case. Having carefully reviewed the file, the Court concludes that the findings
14 and recommendations are supported by the record and proper analysis.

15 Accordingly:

16 1. The findings and recommendations issued on January 8, 2025, Doc. 22, are
17 ADOPTED IN FULL;

18 2. Plaintiff's motion for enforcement of the settlement agreement and attorney's fees,
19 Doc. 20, is GRANTED IN PART, as follows:

20 a. Defendants SHALL pay \$14,451.08 pursuant to the settlement
21 agreement, Doc. 20-3;

22 b. Plaintiff shall be awarded the following attorney's fees:

Professional	Hourly Rate	Hours	Total
Ms. Tanya Moore	\$300	.5	\$150.00
Ms. Whitney Law	\$115	3.2	\$368.00
		Total Fees	\$518.00

27 ///

28 ///

3. Plaintiff is directed to mail a copy of this order to each of the defendants at their last known address(es).

IT IS SO ORDERED.

Dated: May 14, 2025

fish fry

UNITED STATES DISTRICT JUDGE